DOCUMENT RESUME

ED 317 008 EC 230 070

TITLE	Special Education: The Attorney Fees Provision of Public Law 99-372. Briefing Report to Congressional Requesters.
INSTITUTION	General Accounting Office, Washington, D.C. Div. of Human Resources.
REPORT NO	GAO/HRD-90-22BR
PUB DATE	Nov 89
NOTE	85p.
AVAILABLE FROM	General Accounting Office, P.O. Box 6015, Gaithersburg, MD 20877 (first five copies free; additional copies $2.00 each; 100 copies or more 25% discount; prepaid).
PUB TYPE	Reports - Research/Technical (143)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	*Compliance (Legal); *Court Litigation; *Disabilities; Due Process; Elementary Secondary Education; Federal Legislation; *Hearings; Legal Responsibility; National Surveys; Parent Rights; *Special Education; Student Placement; Trend Analysis
IDENTIFIERS	*Attorneys Fees; *Handicapped Childrens Protection Act

ABSTRACT

The document reports on a survey of state directors of special education to determine: (1) the number of special education administrative decisions issued by hearing officers from 1984 through 1988 in disputes between parents and education agencies, and (2) similar data for civil court actions. Among findings were: an increase of 29% in the number of administrative hearings held during this period; educational placement issues were the most frequent type of complaint; parents prevailed in all or part of about 43% of administrative decisions and civil action cases; and parents who were represented by attorneys accounted for 59% of the cases in which parents prevailed. Incomplete data concerning award of attorney fees suggests a significant increase in amount of attorney fees awarded, possibly related to 1986 passage of the Handicapped Children's Protection Act (Public Law 99-372) which authorized courts to award reasonable attorney fees to prevailing parents. A summary describes methodology and results in both narrative and graphic forms. Tables present detailed data for all states combined and for each state. Four appendixes provide additional data including a summary of requested data for all states and individual states and a listing of major contributors to the report. (DB)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

United States General Accounting Office

GAO

Briefing Report to Congressional Requesters

November 1989

SPECIAL EDUCATION

The Attorney Fees Provision of Public Law 99-372

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☑ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

EC 230070

GAO/HRD-90-22BR

GAO

United States
General Accounting Office
Washington, D.C. 20548

Human Resources Division

B-234013

November 24, 1989

The Honorable Edward M. Kennedy
Chairman, Committee on Labor
and Human Resources
United States Senate

The Honorable Tom Harkin
Chairman, Subcommittee
on Disability Policy
Committee on Labor and Human
Resources
United States Senate

The Honorable Augustus F. Hawkins
Chairman, Committee on Education
and Labor
House of Representatives

The Honorable Major Owens
Chairman, Subcommittee on
Select Education
Committee on Education and Labor
House of Representatives

The Handicapped Children's Protection Act of 1986 (P.L. 99-372) amended the Education of the Handicapped Act (EHA). Among other things, the 1986 legislation authorized courts to award reasonable attorney fees to parents who prevail in administrative proceedings or legal actions brought against state or local education agencies concerning education and related services for their handicapped children. The Congress took this action in response to a 1984 Supreme Court decision that prohibited the award of attorney fees for EHA proceedings when based upon the authority of other statutes authorizing such fees. The Court held that attorney fees could be awarded for EHA proceedings only if EHA provided for such fees. Before that decision, parents could seek reimbursement for attorney fees under various other laws, such as the Rehabilitation Act of 1973.

The 1986 act also required GAO to conduct a national study of the impact of the law's attorney fees provision. In discussions with your offices, we agreed to determine (1) the number of administrative decisions issued by hearing officers in administrative proceedings for fiscal years 1984 through 1988, including information on the prevailing parties and kinds

of complaints, and (2) similar data for civil court actions. As required by Public Law 99-372, we provided an interim briefing to your staffs in March 1988. A final briefing was provided on September 22, 1989. This report summarizes the material presented in these briefings.

To obtain the requested information, we surveyed the offices of the directors of special education in the 50 states and the District of Columbia. For each of the five fiscal years (1984-88) for which data were requested, we obtained information on (1) the number of administrative hearings scheduled; (2) the number of administrative decisions issued by hearing officers; (3) how often parents prevailed in administrative hearings and whether they were represented by attorneys; (4) the kind and number of complaints cited in written administrative hearing decisions; (5) the kind and number of complaints that were appealed; and (6) the kind and number of complaints cited in civil action decisions and how often parents prevailed in such complaints. We also obtained available information on the total amount of attorney fees paid by state or local education agencies to parents of handicapped children under the act during fiscal years 1987 and 1988. All of the state education agencies responded to our request for information. Appendix I provides summary information, and appendix II provides detailed data for each state.

Background

EHA, as amended, greatly expanded educational opportunities provided to handicapped children by requiring the states to provide a free and appropriate public education for such children. Among other things, it provided that an administrative hearing can be held before an impartial hearing officer in cases where a school district and parents cannot informally agree on what special education and/or related services a handicapped child should receive. The state hearing officer's decision may be appealed to a state or federal court.

Parents of handicapped children may choose to be represented by an attorney during both administrative hearings and court proceedings. Parents can receive reimbursement from state or local education agencies for some or all of their attorney fees if they are the prevailing party in all or part of administrative hearings and/or court proceedings. Several kinds of complaints can be involved in administrative hearings or court actions. Typically, complaints involve: whether a particular child is eligible under the act for service; whether the services the child receives are appropriate; whether the child has been placed in an appropriate educational setting (for example, public or private facilities); whether the child needs related services (such as transportation and

physical therapy); and procedural issues that might hinder a child from receiving a free and appropriate education. Administrative hearings and court actions can often involve several complaints.

Results in Brief

The number of administrative hearings scheduled because of disagreements between parents and school districts increased 29 percent between fiscal years 1984 and 1988. But the number of administrative decisions remained fairly constant; the number of civil action decisions rendered was too small to determine a trend. (See table 1.) Together, these data indicate a trend toward informal resolution of disputes between parents and school districts.

Educational placement issues were the most frequent type of complaint considered in both administrative hearings and civil action cases. The other types of complaints showed more variation in their relative frequency when comparing administrative hearings to civil actions.

Table 1: Summary of Selected Data for All States (Fiscal Years 1984-88)

Action	Fiscal years				
	1984	1985	1986	1987	1988
Administrative actions:					
Administrative hearings scheduled	2,649	2,832	3,110	3,048	3,426
Administrative decisions by hearing officers	1,665	1,592	1,704	1,522	1,736
Parents prevailed	708	699	709	668	763
Civil actions:					
Complaints	94	83	93	140	73
Decisions	62	57	61	78	46
Parents prevailed	39	44	36	57	33

Overall, parents prevailed in all or part of about 43 percent of the administrative decisions prepared by administrative hearing officers, and about 43 percent of the complaints involved in civil action cases, during the 5-year period. Parents who were represented by attorneys in administrative hearings accounted for 59 percent of the cases in which parents prevailed. Since passage of the Handicapped Children's Protection Act, parents have increased their use of attorneys in administrative hearings, though we cannot conclude that the increase resulted from the act.

The reported amount of attorney fees awarded in the states that have such information has not been large, but it more than doubled from fiscal year 1987 to 1988 (about $157,000 to about $387,000). However, about three-quarters of the state education agencies did not maintain statewide information on the amount of attorney fees awarded to parents who prevailed in administrative hearings or court actions. Because they cover such a small portion of the states, we believe the financial data we obtained from state officials significantly understate state and local education agencies' actual annual expenditures for attorney fees awarded to parents.

More Issues Being Settled Informally

States reported that the number of administrative hearings scheduled between parents and school districts increased from 2,649 in fiscal year 1984 to 3,426 in 1988 (29 percent). Because increases occurred almost every year, it is unclear whether the increase can be attributed to Public Law 99-372's passage in 1986. During the same 5-year period, administrative decisions issued by hearing officers increased by only 4 percent (from 1,665 to 1,736), which would indicate that more disputes are being settled informally. The annual number of civil action decisions declined from 62 in fiscal year 1984 to 46 in fiscal year 1988, after peaking at 78 in fiscal year 1987.

Issues Involved in Complaints Against School Districts

In both administrative hearings and court cases, disagreement over educational placement was the most frequent subject of complaints in each of the five years studied. They accounted for about 38 percent of all disputes in both administrative hearings and civil actions. The other types of complaints showed more variation in their relative frequency when comparing administrative hearings to civil actions. (See table 2.)

Table 2: Types of Complaints Brought Against School Districts (Fiscal Years 1984-88)

	Administrative hearings		Civil actions	
Complaint	**Number**	**Percent**	**Number**	**Percent**
Eligibility	2,392	22	41	8
Appropriateness	2,025	18	105	22
Related services	1,141	10	37	8
Placement	4,195	38	185	38
Procedural issues	1,300	12	115	24
Total	**11,053**	**100**	**483**	**100**

Increased Representation by Attorneys

Parents have become more likely to hire attorneys to represent their children's interests in administrative hearings. In 1988, 54 percent of all parents whose cases were involved in administrative decisions were represented by attorneys, as compared to about 48 percent in each of the three preceding years and 41 percent in 1984. Because the general trend has been upward, it is unclear whether the increase can be associated with Public Law 99-372's passage in 1986.

Parents were successful in a higher percentage of their cases when they employed attorneys to represent them. Overall, for the 5-year period, parents prevailed 43 percent of the time in all or part of administrative hearing decisions, but of those parents who were successful, 59 percent had attorneys.

Information on Attorney Fees Awarded Is Incomplete

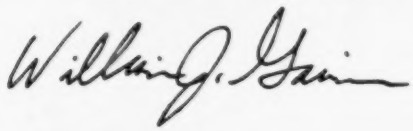
Most of the nation's state education agencies had no records of the amount of attorney fees awarded to parents. Thus, we were unable to fully gauge the Handicapped Children's Protection Act's impact on attorney fee reimbursements.

Thirteen states collected data on attorney fee awards in fiscal year 1987. Six of those states reported that they paid no attorney fees to parents; one state told us that attorney fee award data had been collected but were not readily available. The other six states reported that they and/or school districts in their states had paid a total of $157,000 in such awards. For fiscal year 1988, 14 states collected attorney fee award data. Again, six states reported that they paid no attorney fees to parents, and one state reported that data were not readily available. The other seven states paid a total of $387,000 in such fees.

The Handicapped Children's Protection Act does not require states to collect information on such awards, and about three-quarters of the states had no information on the amount of attorney fees awarded. In the aggregate, those states reported that parents whose cases were represented by attorneys prevailed in all or part of 454 administrative decisions and 19 complaints in court actions in fiscal year 1988. Presumably, many of those parents were awarded attorney fees, so that the actual amount paid to parents was likely much higher than the data reported to us would indicate.

We are sending copies of this report to other congressional committees, the Secretary of Education, the Director of the Office of Management

and Budget, and the state directors of special education in the 50 states and the District of Columbia. We will also make copies available to others upon request. If you have questions about the information reported, please contact me at (202) 275-5365. Other major contributors to this report are listed in appendix IV.



William J. Gainer
Director, Education and
Employment Issues

Contents

Letter 1

Special Education: The Attorney Fees Provision of Public Law 99-372 12
Introduction 12
Objectives, Scope, and Methodology 14
Tendency to Settle Disputes Informally 18
Issues Involved in Administrative Decisions and Civil Actions 21
Parents Are Increasingly Represented by Attorneys 25
Increased Probability of Success with Attorney Representation 26
Complete Information on Attorney Fee Awards Unavailable 27

Appendixes
Appendix I: Summary of Requested Data for All States 30
Appendix II: Requested Data for Individual States 31
Appendix III: List of Data for Figures 82
Appendix IV: Major Contributors to This Report 85

Tables
Table 1: Summary of Selected Data for All States (Fiscal Years 1984-88) 3
Table 2: Types of Complaints Brought Against School Districts (Fiscal Years 1984-88) 4
Table 3: Reported Attorney Fee Awards (Fiscal Years 1987 and 1988) 27
Table II.1: Alabama 31
Table II.2: Alaska 32
Table II.3: Arizona 33
Table II.4: Arkansas 34
Table II.5: California 35
Table II.6: Colorado 36
Table II.7: Connecticut 37
Table II.8: Delaware 38
Table II.9: District of Columbia 39
Table II.10: Florida 40
Table II.11: Georgia 41
Table II.12: Hawaii 42
Table II.13: Idaho 43
Table II.14: Illinois 43
Table II.15: Indiana 45
Table II.16: Iowa 46

Table II.17: Kansas 47
Table II.18: Kentucky 48
Table II.19: Louisiana 49
Table II.20: Maine 50
Table II.21: Maryland 51
Table II.22: Massachusetts 52
Table II.23: Michigan 53
Table II.24: Minnesota 54
Table II.25: Mississippi 55
Table II.26: Missouri 56
Table II.27: Montana 57
Table II.28: Nebraska 58
Table II.29: Nevada 59
Table II.30: New Hampshire 60
Table II.31: New Jersey 61
Table II.32: New Mexico 62
Table II.33: New York 63
Table II.34: North Carolina 64
Table II.35: North Dakota 65
Table II.36: Ohio 66
Table II.37: Oklahoma 67
Table II.38: Oregon 68
Table II.39: Pennsylvania 69
Table II.40: Rhode Island 70
Table II.41: South Carolina 71
Table II.42: South Dakota 72
Table II.43: Tennessee 73
Table II.44: Texas 74
Table II.45: Utah 75
Table II.46: Vermont 76
Table II.47: Virginia 77
Table II.48: Washington 78
Table II.49: West Virginia 79
Table II.50: Wisconsin 80
Table II.51: Wyoming 81
Table III.1: Administrative Hearings Scheduled and Decisions (Data for Fig. 4) 82
Table III.2: Administrative Decisions and Ratio of Handicapped Children to Administrative Decisions in Each State (Fiscal Year 1988) (Data for Fig. 5) 82
Table III.3: Administrative Decisions Compared to Scheduled Hearings (Data for Fig. 6) 83

Table III.4: Issues Involved in Administrative Hearings and Civil Actions (Data for Fig. 7) 84
Table III.5: Parents as Prevailing Parties in Disputes With School Districts (Data for Fig. 8) 84
Table III.6: Percent of Parents Represented by Attorneys (Data for Fig. 9) 84
Table III.7: Parents With Attorneys More Likely to Prevail (Data for Fig. 10) 84

Figures

Figure 1: Study Objectives: Nationwide Data 14
Figure 2: Methodology 16
Figure 3: Overview of Findings 18
Figure 4: Administrative Hearings Scheduled and Decisions 19
Figure 5: Administrative Decisions in Each State (Fiscal Year 1988) 20
Figure 6: Hearings Scheduled Resulting in Administrative Decisions 21
Figure 7: Issues in Administrative Hearings and Civil Actions 22
Figure 8: Parents as Prevailing Parties in Disputes With School Districts 24
Figure 9: Percent of Parents Represented by Attorneys 25
Figure 10: Parents With Attorneys More Likely to Prevail 26

Abbreviations

EHA	Education of the Handicapped Act
GAO	General Accounting Office

Special Education: The Attorney Fees Provision of Public Law 99-372

Introduction

The Congress enacted the Education for All Handicapped Children Act (P.L.94-142) in 1975. This legislation amended part B of the Education of the Handicapped Act (EHA) and greatly expanded educational opportunities provided to handicapped children by requiring state and local agencies responsible for educating children to provide a free and appropriate public education for all handicapped children, including those in public or private institutions and other facilities. All 50 states and the District of Columbia receive federal special education assistance and thus are covered by the legislation. Nearly 4.2 million handicapped students received services under EHA during school year 1987-88.

EHA, as amended, established a number of procedural safeguards that all states receiving federal assistance for the education of the handicapped must follow. These safeguards included the rights of parents to (1) examine records relating to their child's education, (2) obtain an independent evaluation of the child, and (3) receive written notice of any proposed changes to the way the child is to be educated. The law also provides that an administrative hearing can be held before an impartial hearing officer in cases where a school district and parents cannot informally agree on what special education and/or related services a handicapped child should receive. Unless the unsuccessful party in an administrative hearing appeals the decision to a state or federal district court, the state hearing officer's written decision is final.

In 1984, the Supreme Court ruled in Smith v. Robinson, 468 U.S. 992, that parents who prevail in disputes under EHA could not recover attorney fees under any other federal statute. The Court reasoned that if the Congress had intended for parents who prevail to be reimbursed for attorney fees, it would have spelled this out explicitly in the provisions of EHA.

The Congress responded to this Supreme Court ruling by enacting Public Law 99-372, the Handicapped Children's Protection Act of 1986. This legislation amended EHA by providing for the reimbursement of attorney fees and other associated costs when parents prevail in administrative hearings or court proceedings.

Several types of complaints can be involved in administrative hearings or court actions. These include issues involving a child's eligibility for service, receipt of appropriate service, placement in an appropriate educational setting, receipt of related services needed for a handicapped child's education, and procedural issues that might hinder a child from receiving a free and appropriate education.

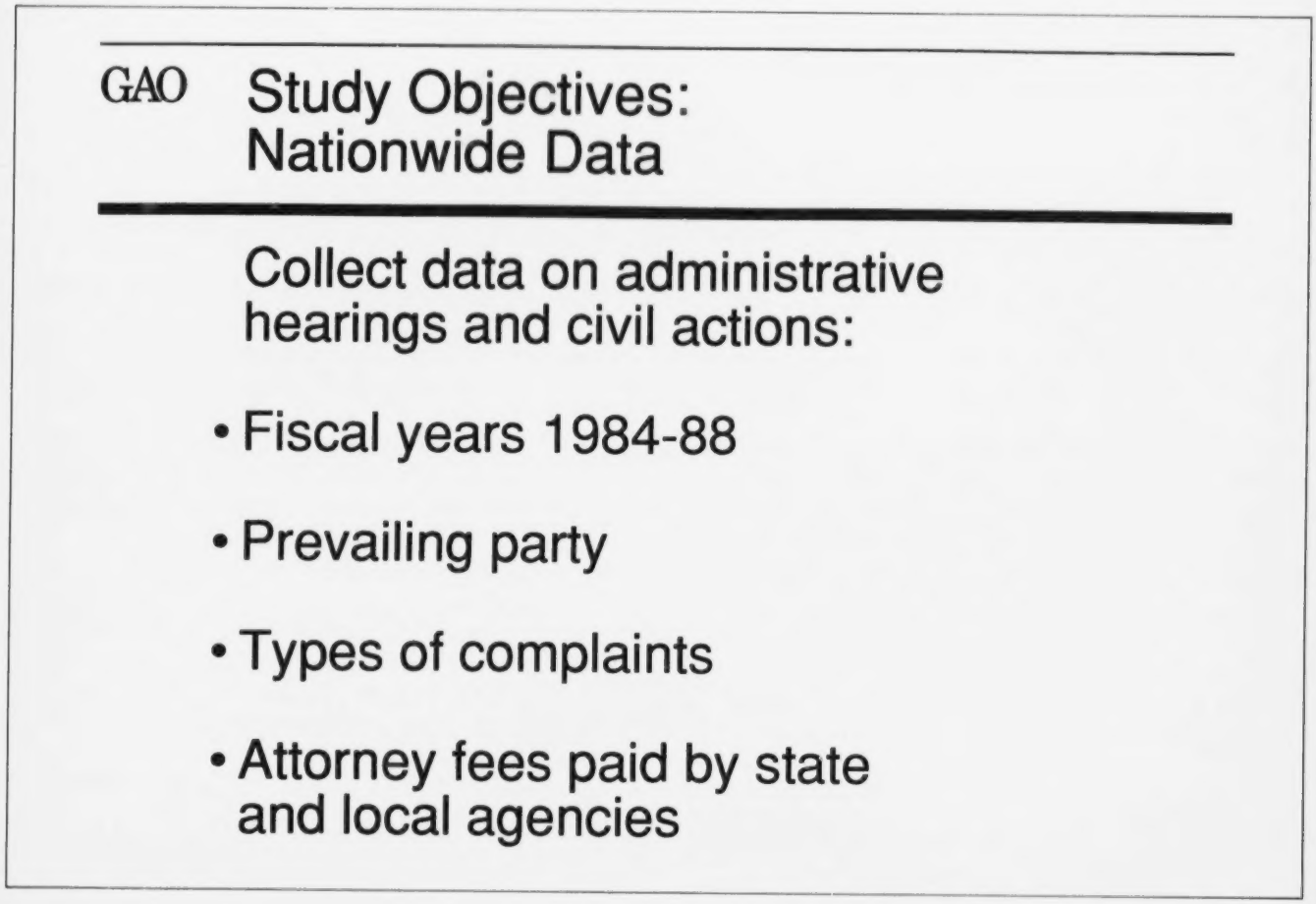
Parents of handicapped children may choose to be represented by an attorney during both administrative hearings and court proceedings. Parents can receive reimbursement from state or local education agencies for some or all of their attorney fees and related expenses if they are the prevailing party in part or all of administrative hearings or court proceedings. Expert witness fees, cost of tests or evaluations found to be necessary during the case, and court costs for services rendered during administrative and court proceedings are examples of reimbursable expenses.

To alleviate concerns that education funds would be used for settling lawsuits instead of teaching handicapped children, the Congress included several safeguards in the act to minimize unnecessary litigation. Among these safeguards are that

- only courts, not administrative hearing officers, are authorized to award fees, although the award can be the result of either an administrative decision or a court case;
- attorney fees are to be awarded according to rates prevailing in the community in which the action or proceeding arose for the type and quality of services furnished;
- "bonuses" or "multipliers" traditionally used to increase attorney fees in cases that are particularly significant or when an attorney's work has been especially outstanding are not permitted; and
- parents generally are not eligible for reimbursement of attorney fees and costs after their rejection of a school system's offer if the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

The act also provided that courts can reduce awards if (1) the parent unreasonably protracted the controversy, or (2) the time spent and legal services furnished were excessive considering the circumstances of the case.

Figure 1:


GAO
Study Objectives:
Nationwide Data
Collect data on administrative hearings and civil actions:
• Fiscal years 1984-88
• Prevailing party
• Types of complaints
• Attorney fees paid by state and local agencies

Objectives, Scope, and Methodology

Public Law 99-372 required GAO to conduct a study of the impact of EHA's attorney fees provision. Specifically, the 1986 law required us to report on

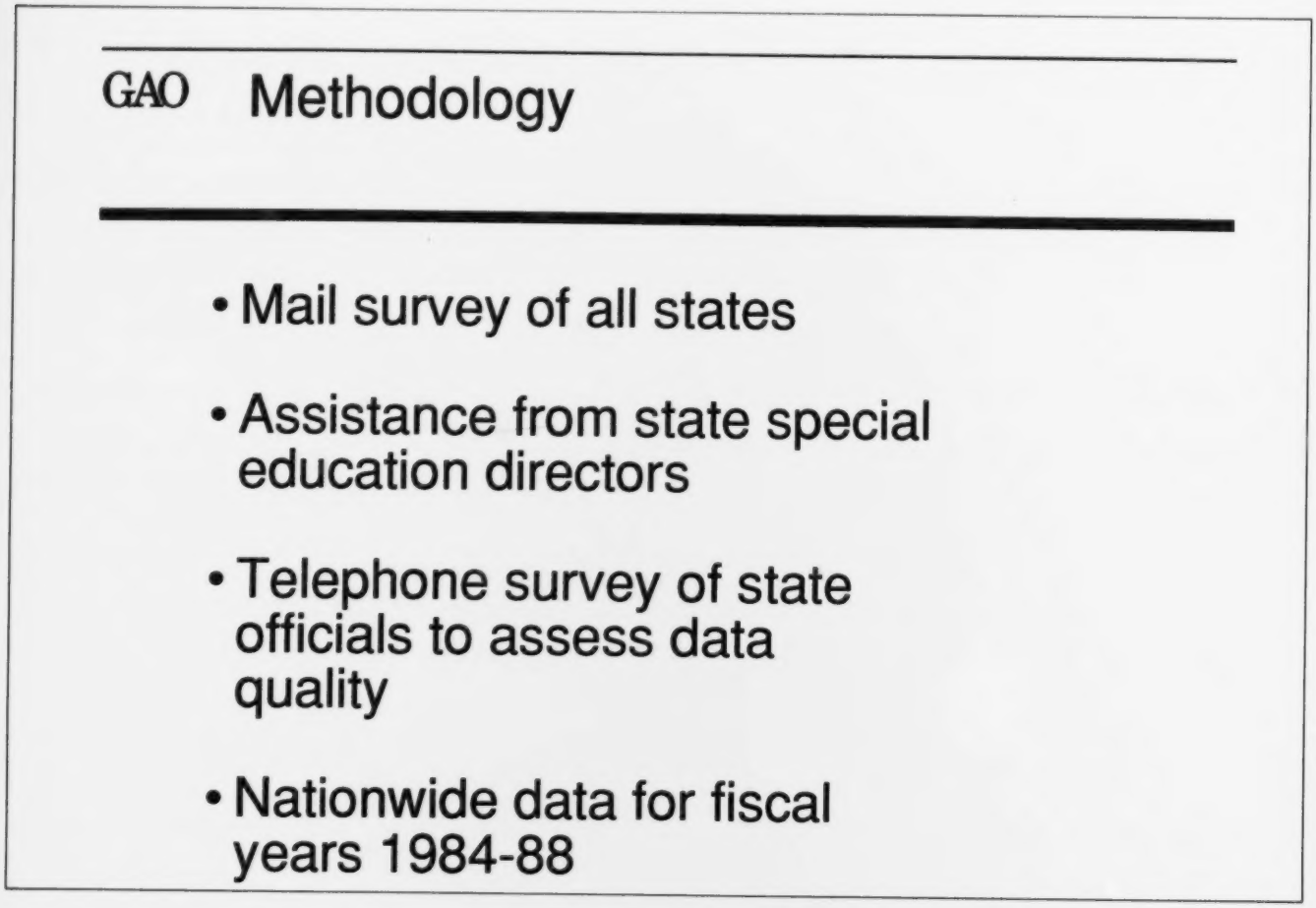
- the number of administrative decisions issued by hearing officers in administrative proceedings for fiscal years 1984 through 1988, including information on the prevailing parties and types of complaints, in total and for each state;

- the number of civil actions for fiscal years 1984 through 1988, including information on the prevailing parties and types of complaints, in total and for each state;
- the amount of attorney fees and other costs awarded to prevailing parties, time spent by those involved in disputes, and expenses incurred by parents and educational agencies, from August 1986 through September 1988, for a selected sample of states; and
- the experience of educational agencies in a selected sample of states in resolving complaints informally from August 1986 through September 1988.

We provided an interim briefing to the staffs of the House Education and Labor Committee and Senate Labor and Human Resources Committee in March 1988, as required by the act. The briefing covered fiscal years 1984-87 data received from the 25 states that had responded to our request for information at the time. In view of the limited impact the attorney fees provision appeared to be having at the time of our March 1988 briefing, the requesters' offices agreed to delay detailed field work in a selected sample of states for 1 or 2 years, but requested that we continue collecting fiscal years 1984-87 data from the remaining states and also collect similar data for fiscal year 1988 as required by the act.

We also provided a final briefing to the staffs from the same committees on September 22, 1989. At that briefing the requesters' offices agreed that there was no need for GAO to do the additional detailed field work required by the Handicapped Children's Protection Act. This briefing report summarizes the information obtained for the first two parts of the mandated study and satisfies GAO's reporting requirement under Public Law 99-372.

Figure 2:


GAO Methodology
• Mail survey of all states
• Assistance from state special education directors
• Telephone survey of state officials to assess data quality
• Nationwide data for fiscal years 1984-88

To obtain the information, we developed a questionnaire with the assistance of the National Association of State Directors of Special Education. We sent the questionnaires to the directors of special education for the 50 states and the District of Columbia. The data requested covered a 5-fiscal-year period (Oct. 1983 through Sept. 1988) and included

- the number of administrative hearings scheduled;
- the number of administrative decisions, how often parents prevailed, and whether they were represented by attorneys;
- the type and number of complaints cited in administrative decisions and how frequently parents prevailed in them;

- the kind and number of complaints that were appealed; and
- the number of court decisions, including the type and number of complaints cited and how often parents prevailed in them.

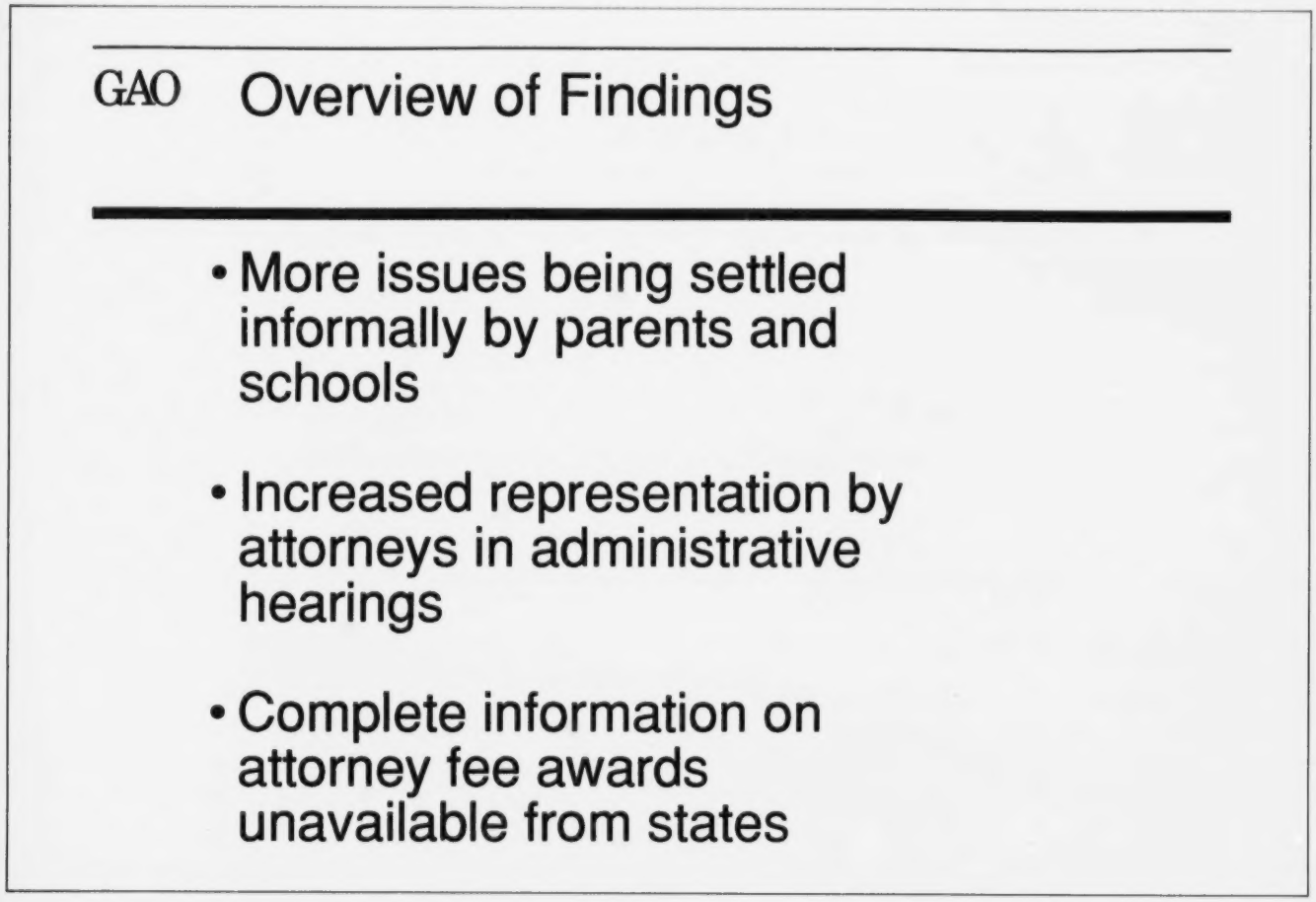
We also requested information on the amount of attorney fees paid under EHA in fiscal years 1987 and 1988. We did this to obtain some perspective on the availability of state data on attorney fees awarded and the amount of these awards.

Further, we conducted a follow-up national telephone survey of the state directors to determine how the states obtained the data they reported on administrative hearings and court cases, and their degree of confidence in the data's completeness. All 50 states and the District of Columbia responded to the telephone survey. The state directors were generally confident of the quality of the data provided to our office.

We performed our data collection and analysis in two phases. We obtained the data for fiscal years 1984-87 from November 1987 through May 1988. Between January and July 1989, we followed up with a second questionnaire to obtain (1) the data for fiscal year 1988 and (2) information on attorney fee awards to parents for fiscal years 1987 and 1988.

We were unable to verify the information provided by the states because of time constraints except, as mentioned, to obtain their opinions about the quality of the data. Otherwise, we conducted our work in accordance with generally accepted government auditing standards.

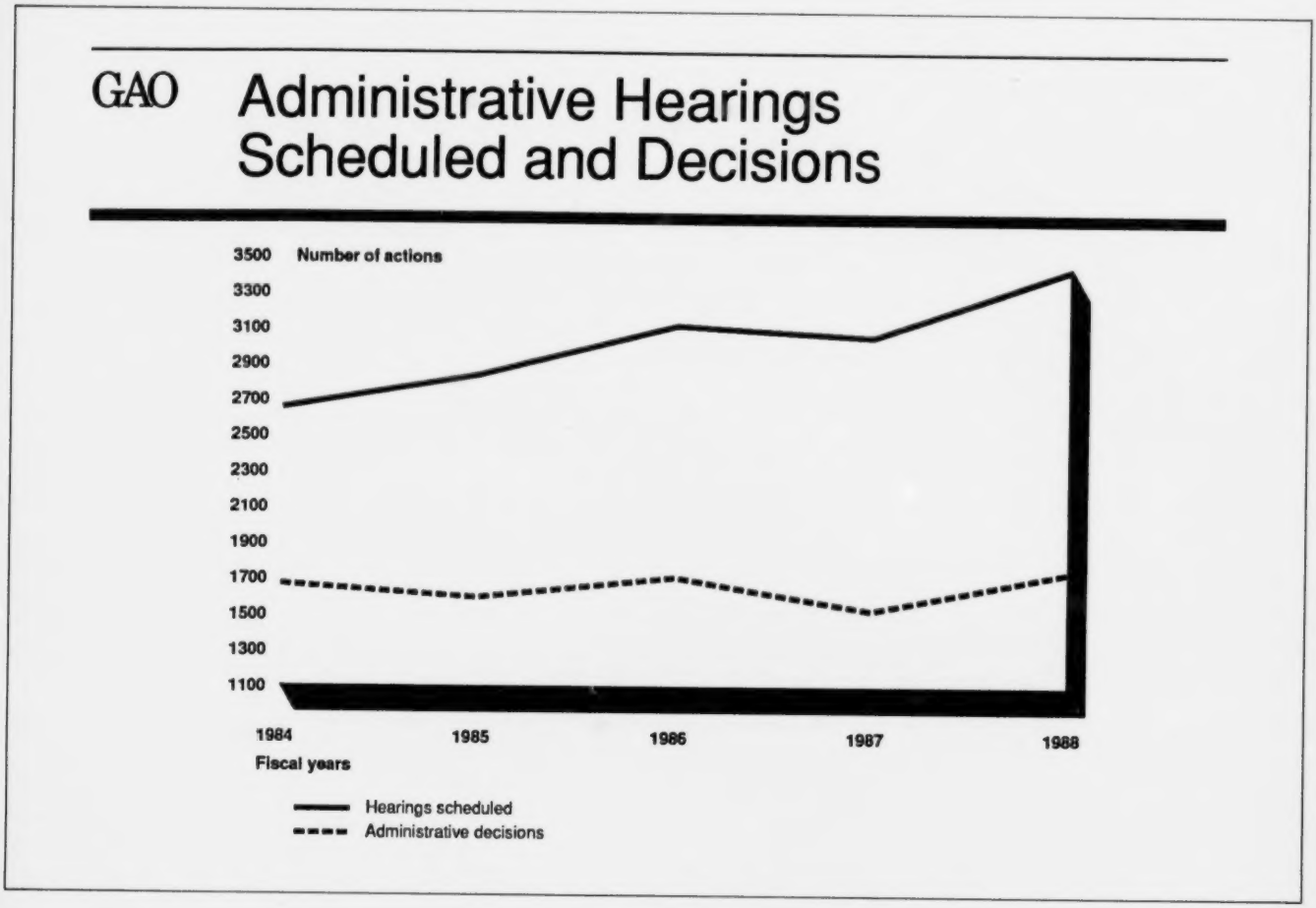
Figure 3:


GAO
Overview of Findings
• More issues being settled informally by parents and schools
• Increased representation by attorneys in administrative hearings
• Complete information on attorney fee awards unavailable from states

Tendency to Settle Disputes Informally

With the exception of fiscal year 1987, the number of administrative hearings scheduled rose each year during the 5-year period, from 2,649 in 1984 to 3,426 in 1988, a 29-percent increase. Somewhat less than half of the overall increase has taken place since passage of the Handicapped Children's Protection Act of 1986. (See fig. 4.) Because the upward trend began before the enactment of Public Law 99-372, it is unclear whether the increase since the passage of the 1986 act can be attributed to it.

Figure 4:



The number of administrative decisions issued by hearing officers was relatively stable over the 5-year period. Overall, there was a 4-percent increase, from 1,665 administrative decisions in fiscal year 1984 to 1,736 in 1988, with somewhat less than half of the increase occurring since the act's passage. (See fig. 4.) There was considerable variation among the states, however, in the number of written administrative hearing decisions issued. For example, they ranged from none in three states—Kansas, Kentucky, and Nevada—to 536 in New York in fiscal year 1988. Most states had 10 or fewer administrative decisions. (See fig. 5.)

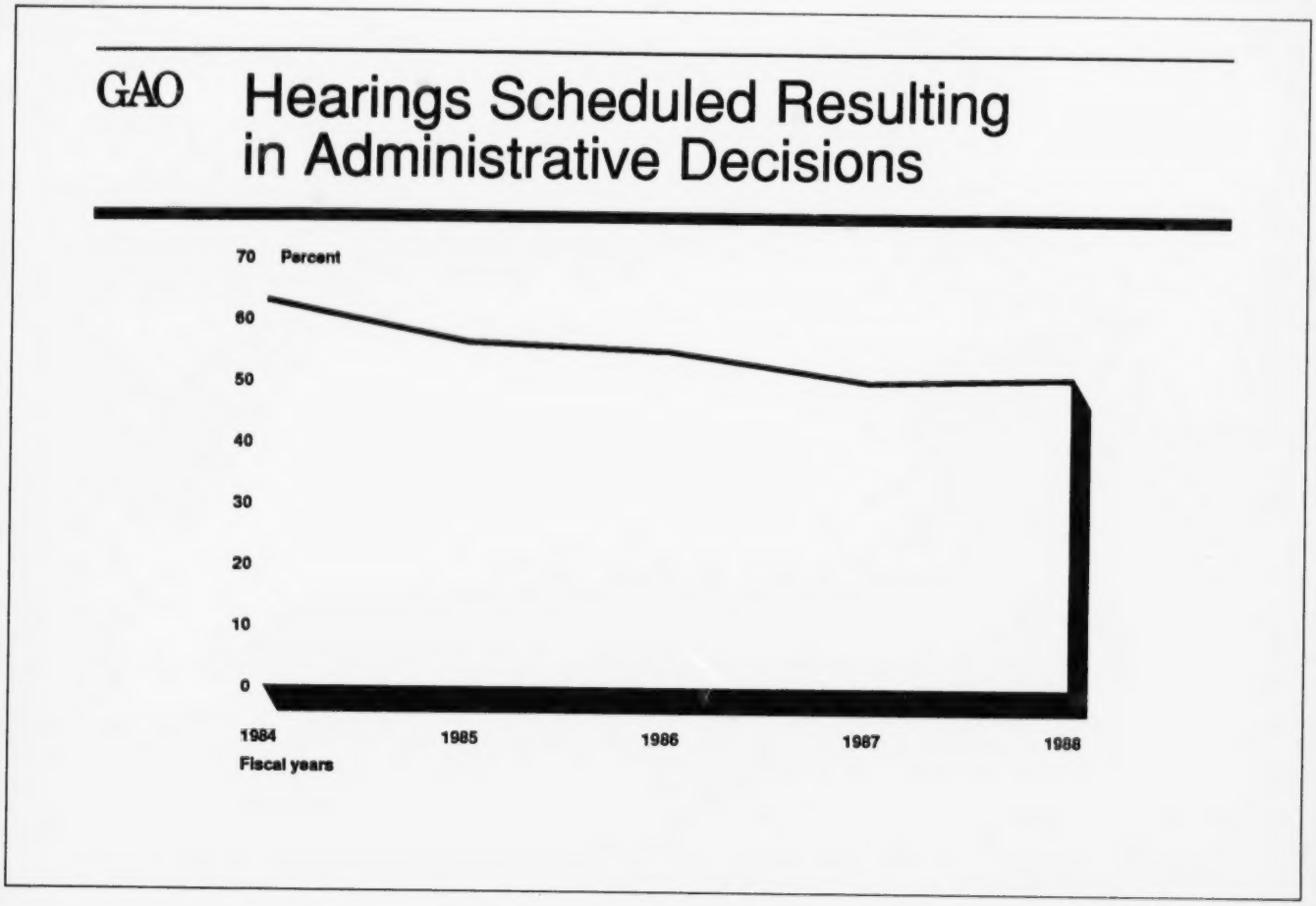
Figure 5:

GAO
Administrative Decisions in Each State (Fiscal Year 1988)
0-10 (26 states)
11-25 (12 states)
26-99 (9 states)
over 99 (3 states and the District of Columbia)

The number of administrative hearing decisions that were appealed and resulted in decisions by civil courts averaged about 60 annually. Civil action decisions declined from 62 (1984) to 46 (1988), after reaching a high of 78 in 1987. These numbers are so small compared to the number of administrative decisions that caution should be used in trying to discern a trend in these data.

Our analysis also shows that although both the number of administrative hearings scheduled and administrative decisions increased over the 5-year period, administrative decisions as a percentage of scheduled hearings declined from 63 percent in fiscal year 1984 to 51 percent in

Figure 6:

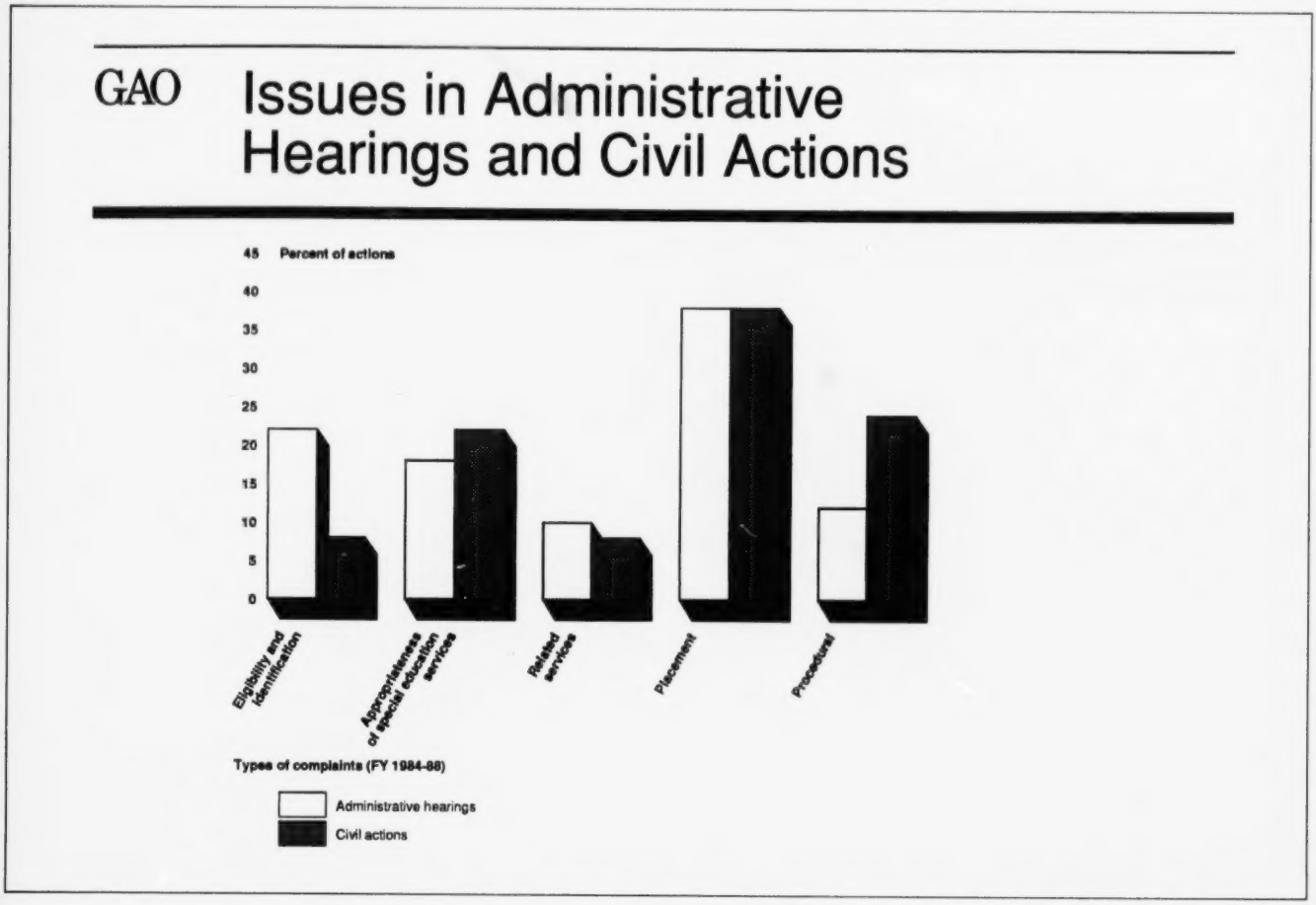


1988. (See fig. 6.) This downward trend suggests that parents and school districts increasingly have resolved disputes informally between the time administrative hearings are scheduled and the time they actually take place.

Issues Involved in Administrative Decisions and Civil Actions

Disagreements over educational placement were the most frequent subject of complaints between parents and school districts in each of the five years we studied. Overall, they accounted for about 38 percent of all disputes in both administrative hearings and civil actions. The other categories of complaints varied in their relative frequency between administrative hearings and civil actions. (See fig. 7.)

Figure 7:

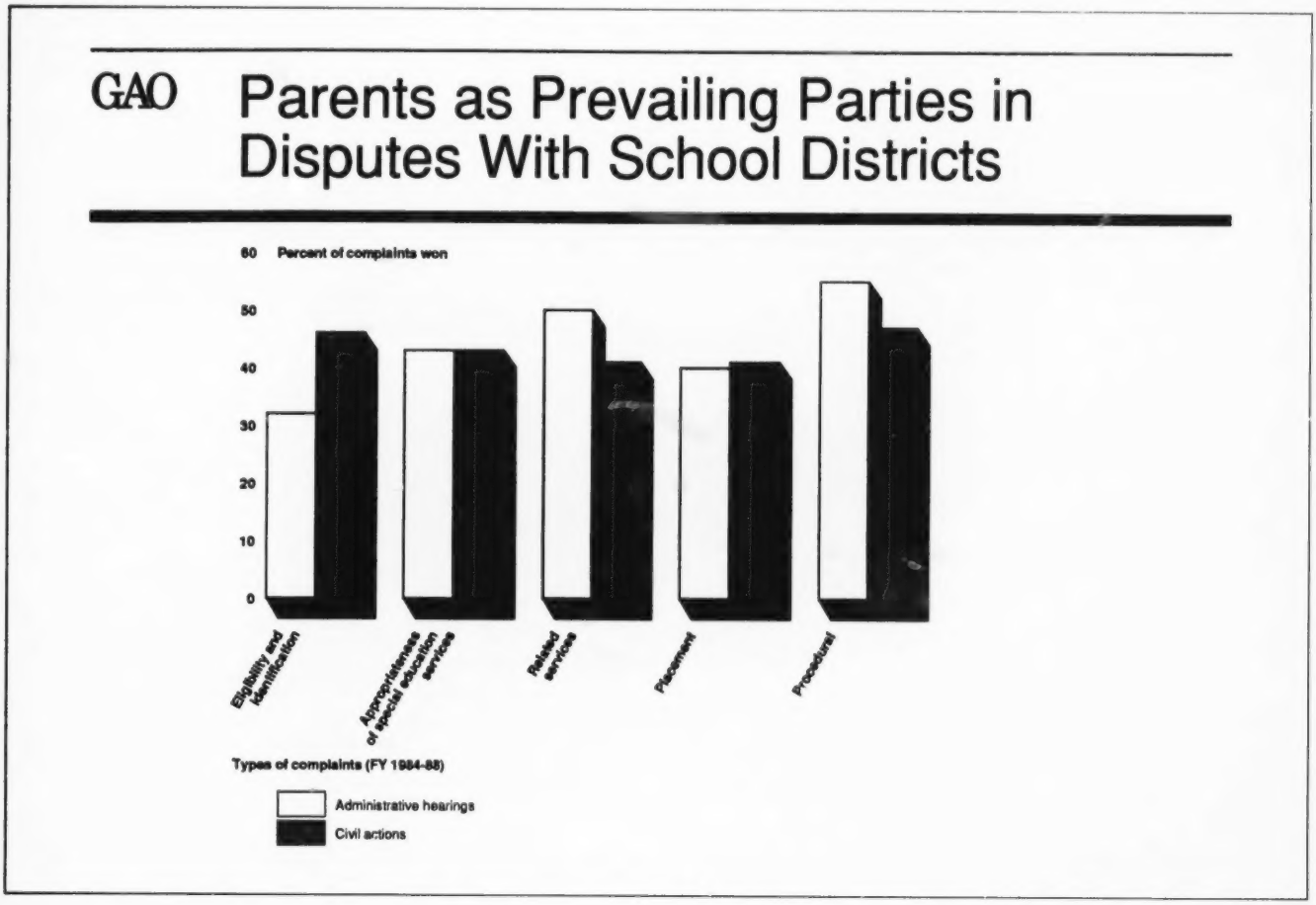


In conjunction with congressional staff and the National Association of State Directors of Special Education, we developed five categories of complaints used in our survey of state special education directors. They were:

- Eligibility and Identification. This category included complaints concerning eligibility determination, disability determination, reevaluation, and handicapped/nonhandicapped issues.
- Appropriateness of Special Educational Services. This category included issues related to the nature, content, scope, and extent of instructional services that the child receives in the classroom.

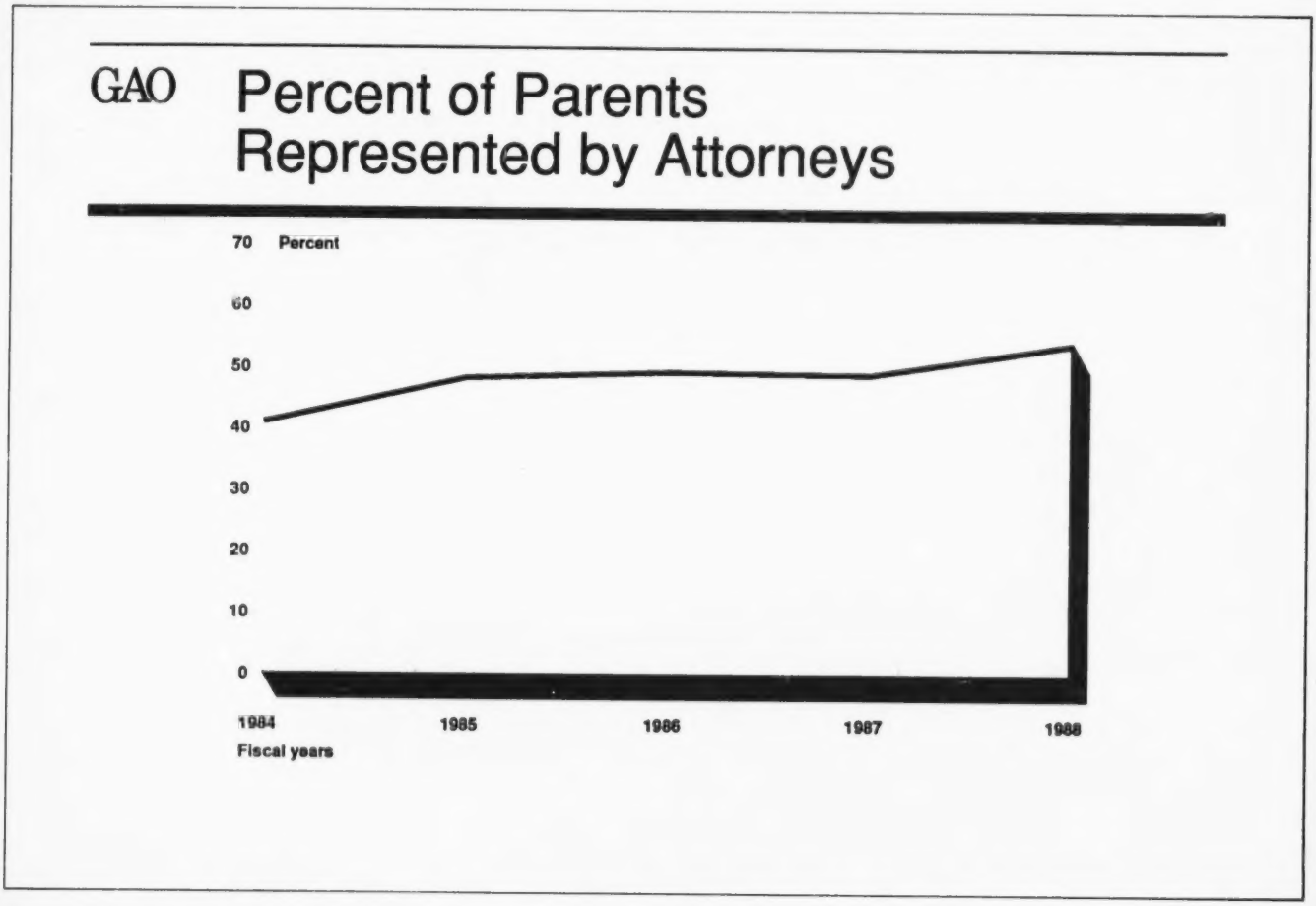
- Related Services. This category involved complaints about services related to a handicapped child's education, such as transportation, support services, medical and counseling services, and physical therapy.
- Placement. This category included all complaints concerning where the child is to be educated. Specific placement issues involve questions of the least restrictive educational environment, public or private school, residential or day programs, and any changes in the child's educational setting.
- Procedural Issues. This category included administrative issues directly related to the child, such as lack of timely evaluations or delays in the child's placement. Also included were issues related to the due process procedure itself, such as delays in scheduling a hearing, impartiality of hearing officers, and improper disclosures of evidence.

Figure 8:



Parents were the successful parties in about 43 percent of all complaints in administrative hearings and civil actions over the 5-year study period. Year-to-year fluctuations were small. Parents' success rates varied with the kind of disagreement they had with school districts. For example, parents prevailed in about 55 percent of the complaints in administrative hearings that involved procedural issues but in only 32 percent of eligibility and identification issues. Differences in parents' success rates among the categories of complaints in civil action decisions were less pronounced. (See fig. 8.)

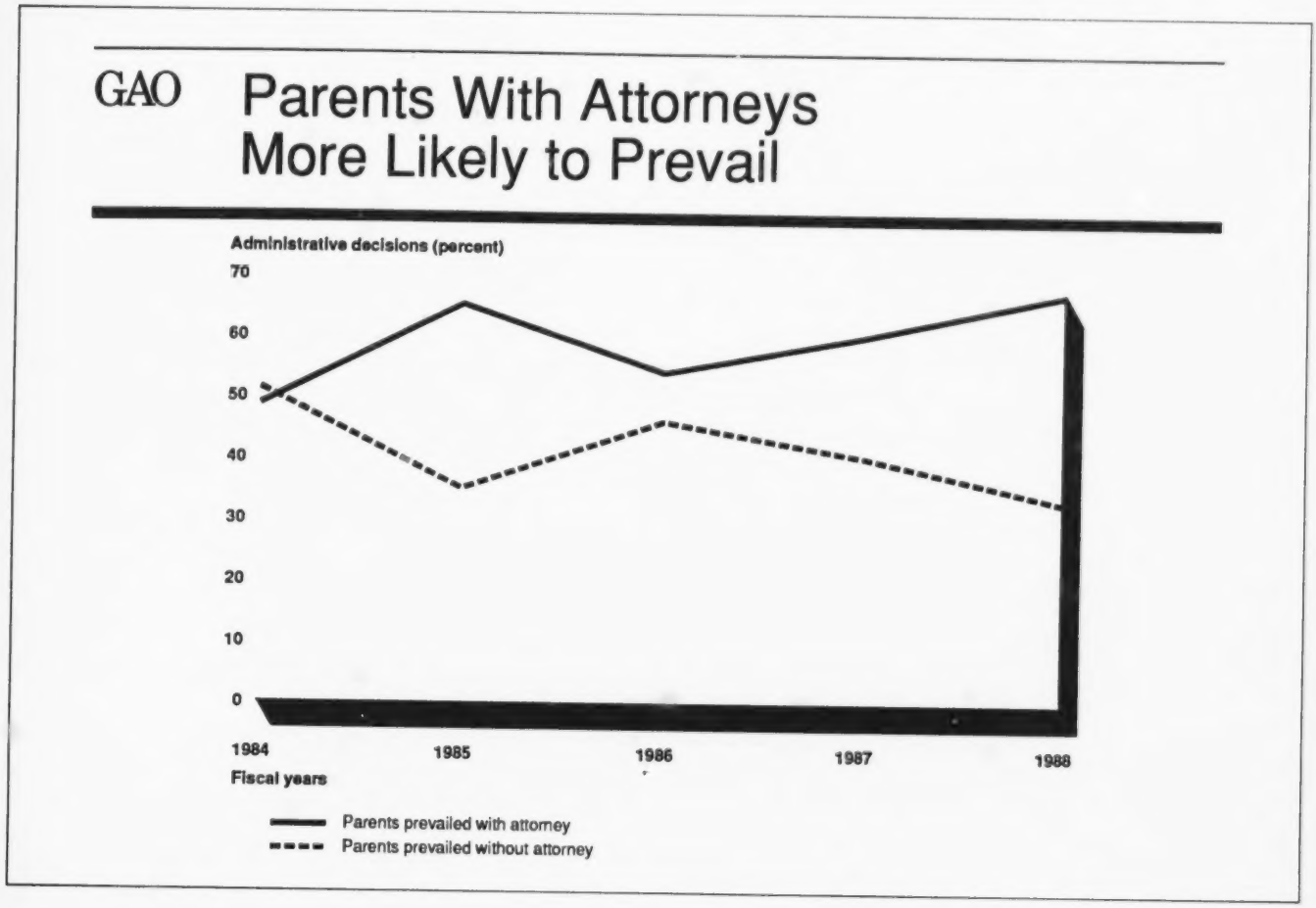
Figure 9:



Parents Are Increasingly Represented by Attorneys

As mentioned previously, the number of written administrative hearing decisions stayed fairly constant between fiscal years 1984 and 1988. (See p. 19.) During the same period, however, parents employed attorneys with increasing frequency to represent them in disputes with school districts. The number of administrative hearings resulting in administrative decisions for which parents had attorneys increased from 680 of 1,665 (41 percent) in fiscal year 1984 to 932 of 1,736 (54 percent) in 1988. Because the trend toward increased representation by attorneys began before passage of the Handicapped Children's Protection Act of 1986, it is unclear whether the increase since then can be attributed to the act. (See fig. 9.)

Figure 10:



Increased Probability of Success With Attorney Representation

There was a noticeable difference in parents' success rates in administrative hearings when they were represented by attorneys in their disputes with school districts. The overall rate at which parents prevailed in all or part of administrative decisions stayed relatively constant during the 5-year period we studied, ranging from 42 to 44 percent annually. But of those parents who were successful in administrative decisions, 59 percent had attorneys. There was, however, considerable year-to-year fluctuation. (See fig.10.)

Complete Information on Attorney Fee Awards Unavailable

The amount of attorney fees awarded since the passage of the Handicapped Children's Protection Act of 1986 is fairly small, as reported to us by some state special education directors. However, the act does not require states to collect such information, and the great majority of states had no data on the amount of attorney fees awarded. Thus, we were unable to gauge the act's monetary impact and believe the state financial data we obtained significantly understate total annual expenditures. (See table 3.)

Table 3: Reported Attorney Fee Awards
(Fiscal Years 1987 and 1988)

Fiscal year	Number of states collecting data	Attorney fees paid
1987[a]	13	$157,000
1988[b]	14	387,000

[a]Six of the 13 states that collected attorney fee data accounted for all reported attorney fees awarded. Of the other seven states, six reported that no attorney fees were awarded, and one reported that although data had been collected, they were not readily available because of insufficient staff to review case files.

[b]Seven of the 14 states that collected attorney fee data accounted for all reported attorney fees awarded. Of the other seven states, six reported that no attorney fees were awarded, and one reported that although data had been collected, they were not readily available because of insufficient staff to review case files.

Although 37 states did not collect data on attorney fees awarded, only 9 of them reported that in fiscal year 1988 no parents were successful in administrative hearings or court actions. The other 28 states reported that parents prevailed in all or part of 454 administrative decisions for which they had attorney representation and 19 complaints in court decisions. Presumably, attorney fees were awarded in many of these cases. Thus, it is likely that the amount actually paid to parents is considerably higher than the amount reported to us.

For example, in responding to our survey, Illinois reported that parents who were represented by attorneys prevailed in all or part of 72 administrative hearings in fiscal year 1988. However, Illinois reported that it does not routinely collect information from the state's 91 special education districts on attorney fee awards, and the dollar amount of such awards was unknown. After responding to our survey, the state's special education due process coordinator informally canvassed the 91 special education districts at our request, to determine whether they had paid attorney fees to parents during fiscal year 1988 in connection with administrative decisions and/or civil actions under the Handicapped Children's Protection Act. Only three districts responded, but they reported paying a total of about $93,000. (The three awards were

$2,500, $20,200, and $70,000.) These data are not included in the $387,000 reported in table 3 for fiscal year 1988.

Summary of Requested Data for All States

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	2,649	2,832	3,110	3,048	3,426
Administrative decisions	1,665	1,592	1,704	1,522	1,736
Civil action decisions	62	57	61	78	46
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	408/135	427/164	526/161	453/140	478/159
Appropriate spec. ed. svcs.	379/178	379/135	379/139	363/156	525/222
Related services	206/101	205/110	223/106	204/101	303/154
Placement	864/334	777/319	843/302	770/295	1041/423
Procedural issues	201/111	190/105	253/144	181/93	475/262
Complaints in civil actions/parents prevailed:					
Eligibility/identification	4/2	10/5	11/4	11/7	5/1
Appropriate spec. ed. svcs.	25/7	16/10	18/6	27/12	19/10
Related services	4/3	8/7	6/1	13/4	6/0
Placement	35/14	27/13	36/15	57/19	30/15
Procedural issues	26/13	22/9	22/10	32/15	13/7
Do states collect data on attorney fees? (FYs 1987 & 1988 only)				Yes/No/Unk 13/36/2	Yes/No 14/37
Attorney fees awarded (FYs 1987 & 1988 only)				$156,719	$386,903

Requested Data for Individual States

Table II.1: Alabama

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	13	17	23	18	20
Administrative decisions	6	5	16	7	5
Civil action decisions	0	0	0	0	1
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	1/0	4/0	1/1	1/1	3/1
Appropriate spec. ed. svcs.	4/0	2/0	4/1	4/2	3/1
Related services	1/1	0/0	1/0	0/0	1/0
Placement	0/0	1/1	9/9	2/2	3/0
Procedural issues	0/0	0/0	3/2	2/1	2/1
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	1/1
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	1/1
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.2: Alaska

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	0	0	3	0	2
Administrative decisions	0	0	3	0	2
Civil action decisions	0	0	0	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	0/0	2/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	1/1	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	2/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Yes	Yes
Attorney fees awarded (FYs 1987 & 1988 only)				$0	$0

Table II.3: Arizona

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	10	7	4	2	4
Administrative decisions	8	6	4	2	4
Civil action decisions	0	0	1	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	2/0	1/0	0/0	2/0	10/7
Appropriate spec. ed. svcs.	0/0	0/0	2/1	0/0	9/5
Related services	0/0	0/0	0/0	0/0	10/8
Placement	6/0	5/1	3/1	2/0	14/6
Procedural issues	0/0	1/0	0/0	0/0	13/9
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	1/1	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Yes	Yes
Attorney fees awarded (FYs 1987 & 1988 only)				$0	$0

Table II.4: Arkansas

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	1	6	4	2	23
Administrative decisions	1	6	4	2	4
Civil action decisions	0	0	1	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	1/0	0/0	2/0	2/1
Appropriate spec. ed. svcs.	0/0	1/0	0/0	0/0	2/0
Related services	0/0	0/0	1/1	0/0	1/0
Placement	1/1	4/2	3/1	0/0	2/2
Procedural issues	0/0	0/0	0/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	1/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Yes	Yes
Attorney fees awarded (FYs 1987 & 1988 only)				$8,843	$0

Table II.5: California

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	129	158	176	122	143
Administrative decisions	53	78	64	70	43
Civil action decisions	2	4	2	3	6
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	7/4	12/4	12/6	8/5	10/3
Appropriate spec. ed. svcs.	9/4	12/9	3/1	2/0	5/0
Related services	15/9	17/9	17/8	25/9	11/6
Placement	35/15	49/26	34/11	37/20	25/10
Procedural issues	19/9	24/11	32/16	28/15	26/14
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	1/1	0/0	1/1	1/1
Appropriate spec. ed. svcs.	0/0	1/1	0/0	0/0	0/0
Related services	0/0	1/1	0/0	0/0	0/0
Placement	2/1	3/3	2/0	3/2	4/4
Procedural issues	2/1	3/3	1/0	2/1	1/1
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Yes	Yes
Attorney fees awarded (FYs 1987 & 1988 only)				$33,698	$81,500

Table II.6: Colorado

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	7	4	5	7	3
Administrative decisions	5	5	4	8	3
Civil action decisions	0	0	0	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	1/1	0/0	0/0	0/0
Appropriate spec. ed. svcs.	2/2	0/0	2/0	0/0	1/1
Related services	0/0	0/0	0/0	0/0	0/0
Placement	5/2	5/2	2/2	8/6	2/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Yes	Yes
Attorney fees awarded (FYs 1987 & 1988 only)				$0	$0

Table II.7: Connecticut

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	65	49	178	162	201
Administrative decisions	35	24	39	34	40
Civil action decisions	2	2	1	1	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	1/0	3/2	2/0	1/1	5/1
Appropriate spec. ed. svcs.	9/6	11/7	20/9	21/9	13/8
Related services	1/1	1/0	4/1	7/3	3/1
Placement	18/5	7/3	9/2	3/0	16/10
Procedural issues	5/2	2/2	1/1	1/0	10/2
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	1/1	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	2/2	1/1	0/0	1/1	0/0
Procedural issues	0/0	1/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.8: Delaware

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	3	1	1	1	6
Administrative decisions	1	0	0	1	1
Civil action decisions	2	1	0	1	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	1/0
Appropriate spec. ed. svcs.	1/1	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	1/1	0/0	1/1	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	2/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	1/0	0/0	1/1	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$0

Table II.9: District of Columbia

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	151	292	231	155	247
Administrative decisions	69	118	117	80	171
Civil action decisions	2	4	8	14	3
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	42/21	81/45	113/50	76/36	19/18
Appropriate spec. ed. svcs.	23/11	38/19	47/19	25/8	56/50
Related services	22/11	33/15	21/11	21/8	26/24
Placement	7/4	1/1	25/11	17/7	50/48
Procedural issues	9/5	8/4	9/5	15/3	114/108
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/1	4/1	8/5	13/6	5/2
Procedural issues	0/0	0/0	0/0	1/0	1/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.10: Florida

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	53	39	23	20	49
Administrative decisions	15	16	13	10	15
Civil action decisions	1	1	0	2	1
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	10/0	1/0	6/0	2/0	7/0
Appropriate spec. ed. svcs.	1/0	1/1	2/1	4/1	1/0
Related services	1/0	0/0	0/0	2/0	1/0
Placement	4/0	12/1	8/1	6/1	6/2
Procedural issues	0/0	2/1	2/0	1/1	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	1/0	1/1	0/0	2/0	1/0
Procedural issues	1/0	0/0	0/0	1/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.11: Georgia

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	54	43	68	74	57
Administrative decisions	31	27	43	33	19
Civil action decisions	0	0	0	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	10/3	3/1	8/0	8/0	4/0
Appropriate spec. ed. svcs.	5/1	17/1	14/5	20/3	4/0
Related services	2/1	6/2	6/0	4/1	0/0
Placement	26/3	17/4	22/4	26/6	14/5
Procedural issues	0/0	1/0	9/2	2/0	12/1
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.12: Hawaii

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	5	7	3	16	21
Administrative decisions	5	6	3	12	9
Civil action decisions	1	2	0	1	1
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	1/1	1/0	1/0	8/0	4/1
Appropriate spec. ed. svcs.	2/2	5/3	2/2	10/2	5/1
Related services	0/0	1/0	2/2	2/1	0/0
Placement	4/4	1/0	0/0	5/2	4/3
Procedural issues	0/0	0/0	0/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	1/1	2/2	0/0	1/1	1/1
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	1/1	1/1
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Yes	Yes
Attorney fees awarded (FYs 1987 & 1988 only)				$23,127	$95,656

Table II.13: Idaho

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	3	1	0	2	2
Administrative decisions	3	1	0	2	2
Civil action decisions	0	2	0	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	3/0	1/0	0/0	2/0	0/0
Related services	0/0	0/0	0/0	2/2	2/2
Placement	1/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	2/1	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Yes	Yes
Attorney fees awarded (FYs 1987 & 1988 only)				$0	$0

Table II.14: Illinois

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	410	463	421	453	462
Administrative decisions	248	230	236	210	214
Civil action decisions	15	7	6	7	1
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	18/7	28/23	25/10	25/9	101/33
Appropriate spec. ed. svcs.	71/39	70/38	44/12	56/20	137/46
Related services	9/1	16/9	17/5	23/10	84/19
Placement	108/48	89/60	128/49	88/34	147/57
Procedural issues	42/22	27/12	22/12	18/7	170/65
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	1/0	0/0	0/0
Appropriate spec. ed. svcs.	5/1	0/0	3/0	2/1	0/0
Related services	1/1	4/1	1/0	1/0	1/0
Placement	8/4	3/1	4/3	5/1	0/0
Procedural issues	8/4	2/2	2/1	4/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.15: Indiana

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	18	30	52	57	34
Administrative decisions	8	22	21	28	27
Civil action decisions	1	1	1	1	2
Complaints in administrative decisions/parents prevailed					
Eligibility/identification	4/[a]	2/[a]	11/[a]	14/[a]	4/[a]
Appropriate spec. ed. svcs.	4/[a]	4/[a]	5/[a]	17/[a]	10/[a]
Related services	0/[a]	8/[a]	3/[a]	3/[a]	0/[a]
Placement	6/[a]	16/[a]	17/[a]	22/[a]	10/[a]
Procedural issues	0/[a]	0/[a]	0/[a]	0/[a]	3/[a]
Complaints in civil actions/parents prevailed					
Eligibility/identification	1/0	0/0	1/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	1/0	0/0	0/0	1/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	1/0	1/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

[a]Not available.

Table II.16: Iowa

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	4	5	11	7	13
Administrative decisions	4	5	11	7	13
Civil action decisions	0	0	0	4	3
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	1/0	1/1	2/1	8/3
Appropriate spec. ed. svcs.	4/3	4/0	11/3	5/3	7/6
Related services	4/3	2/2	5/1	1/0	6/5
Placement	4/3	2/0	10/2	4/3	6/3
Procedural issues	0/0	0/0	0/0	3/2	7/4
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	10/0	3/0
Related services	0/0	0/0	0/0	4/0	3/0
Placement	0/0	0/0	0/0	10/0	3/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Yes	Yes
Attorney fees awarded (FYs 1987 & 1988 only)				$0	$27,128

Table II.17: Kansas

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	3	7	10	5	0
Administrative decisions	3	7	9	5	0
Civil action decisions	0	1	1	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	1/0	5/2	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	2/2	0/0	0/0
Related services	0/0	1/0	1/1	0/0	0/0
Placement	3/1	4/2	9/3	5/3	0/0
Procedural issues	1/0	0/0	0/0	1/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	1/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	1/1	1/0	1/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$0

Table II.18: Kentucky

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	8	13	16	13	8
Administrative decisions	7	7	7	6	0
Civil action decisions	0	0	1	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	3/3	1/1	5/3	1/0	0/0
Appropriate spec. ed. svcs.	5/5	1/1	4/4	3/0	0/0
Related services	2/1	1/1	3/1	1/0	0/0
Placement	7/4	6/2	6/3	1/0	0/0
Procedural issues	1/1	2/2	0/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	1/1	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	1/1	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$0	$0

Table II.19: Louisiana

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	4	2	12	18	2
Administrative decisions	4	0	12	17	1
Civil action decisions	0	0	0	1	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	1/1	0/0	2/1	1/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	3/2	3/1	0/0
Related services	0/0	0/0	2/0	2/2	0/0
Placement	3/0	0/0	7/0	13/4	1/0
Procedural issues	0/0	0/0	0/0	2/2	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Unk	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$0

Table II.20: Maine

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	15	31	44	43	38
Administrative decisions	4	9	16	11	12
Civil action decisions	0	0	0	0	1
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	1/0	2/1	5/4	4/2	1/1
Appropriate spec. ed. svcs.	2/1	6/4	13/10	8/6	8/1
Related services	1/0	4/4	3/1	2/2	4/1
Placement	2/1	3/2	8/2	4/3	9/1
Procedural issues	1/1	0/0	1/1	0/0	1/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	1/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	1/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	1/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Yes	Yes
Attorney fees awarded (FYs 1987 & 1988 only)				$44,833[a]	$113,347[a]

[a]Amount of attorney fees includes school districts' costs for school attorneys. State education agency had insufficient information available to separate attorney costs for school districts and parents.

Table II.21: Maryland

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	146	162	162	130	233
Administrative decisions	99	120	127	80	65
Civil action decisions	1	1	2	3	2
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	9/3	15/5	20/6	10/5	8/3
Appropriate spec. ed. svcs.	17/8	16/10	29/18	23/13	11/1
Related services	9/4	5/1	15/9	5/3	10/4
Placement	61/25	59/25	45/18	37/8	53/14
Procedural issues	18/11	38/26	50/35	24/14	11/7
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	1/0	1/1	2/0	3/0	2/0
Procedural issues	0/0	0/0	1/0	1/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Yes	Yes
Attorney fees awarded (FYs 1987 & 1988 only)				$41,718	$45,188

Table II.22: Massachusetts

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	285	306	308	373	374
Administrative decisions	80	90	52	24	51
Civil action decisions	0	3	3	1	1
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	5/4	2/1	0/0	7/2
Appropriate spec. ed. svcs.	17/4	26/18	10/2	0/0	28/15
Related services	36/10	19/14	12/10	0/0	5/4
Placement	9/7	62/37	29/15	23/13	33/17
Procedural issues	3/3	5/3	13/8	0/0	15/9
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	3/0	0/0	0/0	1/0
Appropriate spec. ed. svcs.	0/0	0/2	2/1	1/1	1/1
Related services	0/0	0/2	0/0	0/0	0/0
Placement	0/0	3/1	2/1	1/1	0/0
Procedural issues	0/0	1/1	1/0	0/0	1/1
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.23: Michigan

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	16	11	11	8	26
Administrative decisions	39	30	29	22	24
Civil action decisions	0	0	0	0	1
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	9/[a]	6/[a]	7/[a]	3/[a]	4/[a]
Appropriate spec. ed. svcs.	13/[a]	12/[a]	10/[a]	4/[a]	8/[a]
Related services	[a]	[a]	[a]	[a]	[a]
Placement	19/[a]	13/[a]	13/[a]	11/[a]	6/[a]
Procedural issues	0/0	0/0	0/0	0/0	[a]
Complaints in civil actions/parents prevailed:					
Eligibility/identification	[a]	[a]	[a]	[a]	[a]
Appropriate spec. ed. svcs.	[a]	[a]	[a]	[a]	[a]
Related services	[a]	[a]	[a]	[a]	[a]
Placement	[a]	[a]	[a]	[a]	[a]
Procedural issues	[a]	[a]	[a]	[a]	[a]
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

[a]Not available.

Table II.24: Minnesota

Action	Fiscal years 1984	1985	1986	1987	1988
Hearings scheduled	3	7	8	10	6
Administrative decisions	1	5	2	7	4
Civil action decisions	0	0	0	1	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	1/0	1/0	2/0	2/1
Appropriate spec. ed. svcs.	1/0	3/0	2/0	4/1	0/0
Related services	0/0	0/0	0/0	1/1	0/0
Placement	0/0	2/0	2/0	4/2	2/2
Procedural issues	0/0	0/0	0/0	0/1	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	1/1	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.25: Mississippi

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	8	8	10	5	15
Administrative decisions	8	8	10	5	4
Civil action decisions	2	1	0	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	1/1	0/0	0/0	0/0	2/1
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	2/1
Related services	0/0	0/0	0/0	0/0	1/0
Placement	6/0	8/2	7/2	5/1	3/1
Procedural issues	2/1	0/0	4/1	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	2/2	1/1	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.26: Missouri

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	11	17	13	9	12
Administrative decisions	11	16	10	8	10
Civil action decisions	0	1	2	0	1
Complaints in administrative decisions/parents prevailed					
Eligibility/identification	4/2	1/1	5/4	2/2	8/3
Appropriate spec. ed. svcs.	6/4	3/1	4/2	2/2	2/2
Related services	1/1	4/1	1/1	0/0	0/0
Placement	8/4	6/1	3/2	3/0	4/2
Procedural issues	5/4	5/2	7/2	3/1	2/1
Complaints in civil actions/parents prevailed					
Eligibility/identification	0/0	0/0	2/2	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	1/0	0/0	0/0	1/1
Procedural issues	0/0	0/0	2/2	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.27: Montana

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	3	2	0	4	4
Administrative decisions	3	2	0	4	3
Civil action decisions	0	1	0	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	1/0	2/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	1/0	2/0	0/0	4/0	4/0
Related services	1/0	0/0	0/0	2/0	1/0
Placement	1/0	2/0	0/0	4/0	2/0
Procedural issues	1/0	2/0	0/0	4/0	1/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	1/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	1/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	1/0	0/0	0/0	0/0
Procedural issues	0/0	1/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Yes	Yes
Attorney fees awarded (FYs 1987 & 1988 only)				$0	$0

Table II.28: Nebraska

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	7	6	22	12	10
Administrative decisions	2	3	15	6	4
Civil action decisions	0	0	0	0	0
Complaints in administrative decisions/parents prevailed					
Eligibility/identification	0/0	2/0	0/0	2/0	2/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	2/1	1/1
Related services	1/1	0/0	0/0	0/0	0/0
Placement	1/0	1/1	15/0	2/1	1/0
Procedural issues	0/0	0/0	0/0	0/0	1/1
Complaints in civil actions/parents prevailed					
Eligibility/identification	[a]	[a]	[a]	[a]	[a]
Appropriate spec. ed. svcs.	[a]	[a]	[a]	[a]	[a]
Related services	[a]	[a]	[a]	[a]	[a]
Placement	[a]	[a]	[a]	[a]	[a]
Procedural issues	[a]	[a]	[a]	[a]	[a]
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

[a]Not available.

Table II.29: Nevada

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	7	5	6	3	5
Administrative decisions	2	2	2	2	0
Civil action decisions	0	0	0	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	2/0	0/0	0/0	0/0
Placement	2/2	0/0	2/0	2/2	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$0

Table II.30: New Hampshire

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	30	13	36	40	92
Administrative decisions	15	7	18	20	22
Civil action decisions	[a]	[a]	[a]	[a]	[a]
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	4/1	2/0	3/0	2/0	5/3
Appropriate spec. ed. svcs.	1/1	1/0	1/0	1/1	15/11
Related services	0/0	0/0	0/0	1/1	6/3
Placement	11/5	4/3	13/12	9/5	15/10
Procedural issues	1/0	0/0	1/0	0/0	1/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	[a]	[a]	[a]	[a]	[a]
Appropriate spec. ed. svcs.	[a]	[a]	[a]	[a]	[a]
Related services	[a]	[a]	[a]	[a]	[a]
Placement	[a]	[a]	[a]	[a]	[a]
Procedural issues	[a]	[a]	[a]	[a]	[a]
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

[a]Not available.

Table II.31: New Jersey

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	52	72	80	94	128
Administrative decisions	35	35	23	52	37
Civil action decisions	0	0	1	5	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	14/2	12/3	9/2	19/5	19/1
Appropriate spec. ed. svcs.	12/6	9/3	9/2	9/4	8/2
Related services	6/3	4/4	3/1	6/3	12/8
Placement	15/7	19/7	15/6	37/17	26/8
Procedural issues	4/3	5/2	0/0	1/0	4/1
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	1/0	0/0
Related services	0/0	0/0	0/0	1/1	0/0
Placement	0/0	0/0	1/1	2/0	0/0
Procedural issues	0/0	0/0	0/0	2/2	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.32: New Mexico

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	0	0	3	2	1
Administrative decisions	0	0	3	2	1
Civil action decisions	0	0	0	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	1/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	2/0	1/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	2/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$0	$0

Table II.33: New York

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled[a]	553	394	449	489	538
Administrative decisions	553	394	449	489	536
Civil action decisions	5	10	6	11	7
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	208/62	161/39	196/46	193/57	162/49
Appropriate spec. ed. svcs.	74/43	42/26	26/11	46/31	47/17
Related services	49/35	37/25	49/31	56/38	38/34
Placement	359/160	266/98	267/109	278/115	340/139
Procedural issues	64/39	44/30	65/45	46/31	34/18
Complaints in civil actions/parents prevailed:					
Eligibility/identification	1/0	1/1	1/1	4/3	0/0
Appropriate spec. ed. svcs.	1/0	3/1	1/1	6/6	1/1
Related services	0/0	1/1	2/1	5/3	0/0
Placement	1/0	3/0	4/2	7/7	0/0
Procedural issues	3/2	5/1	4/2	9/5	2/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

[a]Information on hearings scheduled was available for fiscal year 1988 only. For study purposes we assumed the number of hearings scheduled was at least as great as the number of written decisions.

Table II.34: North Carolina

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	13	9	22	13	24
Administrative decisions	11	7	6	7	24
Civil action decisions	0	0	1	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	1/0	6/0
Appropriate spec. ed. svcs.	0/0	4/1	4/2	3/0	7/3
Related services	1/1	0/0	2/1	0/0	2/0
Placement	7/1	3/0	4/0	5/0	16/4
Procedural issues	0/0	2/0	0/0	0/0	2/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	1/1	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	1/1	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.35: North Dakota

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	3	3	1	1	4
Administrative decisions	0	1	1	0	2
Civil action decisions	0	0	0	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	1/1
Appropriate spec. ed. svcs.	1/0	1/1	0/0	1/1	2/2
Related services	1/1	0/0	0/0	0/0	0/0
Placement	2/2	0/0	0/0	0/0	0/0
Procedural issues	1/1	0/0	0/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.36: Ohio

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	12	20	24	24	30
Administrative decisions	8	15	19	16	30
Civil action decisions	2	1	1	1	1
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	7/[a]	8/[a]	16/[a]	6/[a]	8/[a]
Appropriate spec. ed. svcs.	2/[a]	5/[a]	6/[a]	5/[a]	11/[a]
Related services	4/[a]	8/[a]	5/[a]	3/[a]	3/[a]
Placement	2/[a]	7/[a]	4/[a]	4/[a]	9/[a]
Procedural issues	2/[a]	4/[a]	3/[a]	7/[a]	4/[a]
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/[a]	0/[a]	0/[a]	0/[a]	1/[a]
Appropriate spec. ed. svcs.	1/[a]	1/[a]	0/[a]	0/[a]	0/[a]
Related services	1/[a]	0/[a]	1/[a]	0/[a]	0/[a]
Placement	0/[a]	0/[a]	0/[a]	1/[a]	0/[a]
Procedural issues	1/[a]	1/[a]	0/[a]	1/[a]	0/[a]
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

[a]Not available.

Table II.37: Oklahoma

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	79	126	135	130	134
Administrative decisions	10	17	33	18	45
Civil action decisions	1	1	3	1	1
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	1/1	6/5	6/4	1/1	3/0
Appropriate spec. ed. svcs.	3/3	4/3	13/5	9/2	28/11
Related services	5/5	7/5	8/4	10/5	25/11
Placement	4/0	8/2	16/4	4/1	12/2
Procedural issues	1/1	3/3	1/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	1/0	1/0	1/0	0/0
Appropriate spec. ed. svcs.	1/1	0/0	0/0	0/0	1/0
Related services	1/1	0/0	1/0	0/0	1/0
Placement	0/0	0/0	1/0	0/0	0/0
Procedural issues	0/0	1/0	1/0	1/1	1/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.38: Oregon

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	10	10	16	35	17
Administrative decisions	6	4	6	6	14
Civil action decisions	1	0	2	4	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	3/1	2/1	5/1	2/1	2/1
Appropriate spec. ed. svcs.	5/0	3/0	5/0	6/2	3/0
Related services	2/0	0/0	1/0	0/0	3/0
Placement	3/0	1/0	9/2	4/2	10/6
Procedural issues	0/0	0/0	1/0	1/1	4/1
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	1/0	0/0
Appropriate spec. ed. svcs.	1/0	0/0	0/0	2/0	0/0
Related services	0/0	0/0	0/0	1/0	0/0
Placement	0/0	0/0	1/0	2/0	0/0
Procedural issues	0/0	0/0	0/0	1/1	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Yes	Yes
Attorney fees awarded (FYs 1987 & 1988 only)				$4,500	$22,959

Table II.39: Pennsylvania

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	134	129	156	192	151
Administrative decisions	57	63	63	55	119
Civil action decisions	2	1	2	3	2
Complaints in administrative decisions/parents prevailed					
Eligibility/identification	10/5	15/5	17/1	14/3	21/6
Appropriate spec. ed. svcs.	17/7	26/8	25/9	11/11	28/14
Related services	5/1	4/2	10/4	7/3	14/4
Placement	24/4	18/7	11/7	20/7	97/34
Procedural issues	1/0	0/0	0/0	3/1	8/4
Complaints in civil actions/parents prevailed					
Eligibility/identification	1/1	1/1	0/0	2/2	0/0
Appropriate spec. ed. svcs.	2/2	1/1	2/0	2/1	1/0
Related services	0/0	0/0	0/0	1/0	0/0
Placement	2/1	0/0	2/0	1/0	1/0
Procedural issues	1/1	0/0	2/2	0/0	1/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.40: Rhode Island

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	26	21	21	26	33
Administrative decisions	22	19	18	23	22
Civil action decisions	1	0	0	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	3/2	3/1	2/1	6/2	Unk/Unk
Appropriate spec. ed. svcs.	8/4	10/6	11/6	14/8	Unk/Unk
Related services	3/2	2/1	4/1	2/1	1/Unk
Placement	6/4	2/0	1/0	1/0	3/Unk
Procedural issues	0/0	1/0	0/0	0/0	Unk/Unk
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	1/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$0

Table II.41: South Carolina

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	0	6	16	4	4
Administrative decisions	0	6	16	4	4
Civil action decisions	0	2	1	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	2/2	0/0
Appropriate spec. ed. svcs.	0/0	4/0	6/2	0/0	2/0
Related services	0/0	4/4	6/0	0/0	0/0
Placement	0/0	2/0	10/2	4/2	2/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	1/0	0/0	0/0
Related services	0/0	2/2	0/0	0/0	0/0
Placement	0/0	1/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$0

Table II.42: South Dakota

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	20	19	16	12	19
Administrative decisions	1	7	1	0	1
Civil action decisions	0	0	0	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	1/1	4/4	1/1	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	1/1	0/0	0/0	0/0
Placement	0/0	2/1	0/0	0/0	1/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$0	$0

Table II.43: Tennessee

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	10	24	16	26	21
Administrative decisions	10	18	13	10	12
Civil action decisions	0	1	2	1	1
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	2/1	1/1	1/1	2/1
Appropriate spec. ed. svcs.	0/0	5/1	1/0	4/3	9/6
Related services	0/0	1/1	2/2	1/1	8/6
Placement	0/0	10/2	9/3	4/3	11/6
Procedural issues	0/0	0/0	0/0	0/0	4/4
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	1/1	1/0
Related services	0/0	0/0	0/0	0/0	1/0
Placement	0/0	0/0	1/1	0/0	0/0
Procedural issues	0/0	1/1	1/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.44: Texas

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	61	57	61	42	44
Administrative decisions	57	54	55	37	19
Civil action decisions	1	0	2	3	1
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	3/0	3/0	1/0	4/0	7/4
Appropriate spec. ed. svcs.	7/2	5/1	9/2	6/4	16/6
Related services	6/2	2/0	5/2	6/3	5/3
Placement	18/1	14/7	7/2	8/2	15/6
Procedural issues	2/1	4/2	0/0	1/0	1/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	1/0
Appropriate spec. ed. svcs.	0/0	0/0	2/1	0/0	0/0
Related services	1/1	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	1/0	0/0
Procedural issues	0/0	0/0	0/0	1/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.45: Utah

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	2	1	0	3	4
Administrative decisions	0	2	0	3	4
Civil action decisions	0	0	0	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	3/1	2/2
Appropriate spec. ed. svcs.	0/0	0/0	0/0	3/1	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	2/1	0/0	3/1	2/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Unk	Yes
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$1,125

Table II.46: Vermont

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	36	22	30	24	19
Administrative decisions	17	6	8	6	2
Civil action decisions	1	0	0	0	2
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	4/3	1/1	4/3	3/3	1/1
Appropriate spec. ed. svcs.	3/3	2/2	0/0	4/4	2/2
Related services	4/4	3/1	1/1	0/0	0/0
Placement	6/5	0/0	2/1	5/4	2/2
Procedural issues	4/2	2/2	2/1	4/2	2/2
Complaints in civil actions/parents prevailed:					
Eligibility/identification	1/1	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	2/2
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	2/2
Procedural issues	0/0	0/0	0/0	0/0	2/2
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				Yes	Yes
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.47: Virginia

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	115	120	113	86	82
Administrative decisions	69	66	66	45	58
Civil action decisions	18	6	7	7	6
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	14/5	29/13	23/11	15/1	19/8
Appropriate spec. ed. svcs.	24/12	16/9	11/5	5/5	14/4
Related services	4/1	7/7	7/3	3/2	18/9
Placement	45/15	37/16	43/14	35/17	44/19
Procedural issues	0/0	0/0	19/12	10/8	23/10
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	1/0	0/0	0/0
Appropriate spec. ed. svcs.	12/2	4/2	3/0	1/1	5/4
Related services	0/0	0/0	0/0	0/0	0/0
Placement	13/3	3/2	3/0	0/0	6/4
Procedural issues	10/5	4/1	5/3	7/4	4/3
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.48: Washington

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	8	38	37	35	27
Administrative decisions	10	7	17	9	10
Civil action decisions	0	1	1	1	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	7/4	2/2	3/0	1/0	2/0
Appropriate spec. ed. svcs.	5/2	2/0	8/0	3/1	7/1
Related services	6/0	2/0	0/0	4/1	0/0
Placement	4/0	3/0	11/0	6/0	7/1
Procedural issues	6/1	1/0	2/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	1/1	1/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	1/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.49: West Virginia

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	18	26	33	24	19
Administrative decisions	12	6	11	6	15
Civil action decisions	0	0	0	1	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	0/0	1/1	1/0	3/2
Appropriate spec. ed. svcs.	8/2	2/0	7/0	4/1	5/2
Related services	3/1	3/1	5/3	0/0	1/1
Placement	3/0	0/0	3/1	2/0	9/2
Procedural issues	0/0	0/0	1/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	[a]	[a]	[a]	[a]	[a]
Appropriate spec. ed. svcs.	[a]	[a]	[a]	[a]	[a]
Related services	[a]	[a]	[a]	[a]	[a]
Placement	[a]	[a]	[a]	1/[a]	[a]
Procedural issues	[a]	[a]	[a]	[a]	[a]
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

[a]Not available.

Table II.50: Wisconsin

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	18	13	13	11	7
Administrative decisions	17	10	8	9	6
Civil action decisions	1	2	3	0	1
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	4/2	2/1	4/0	5/1	1/1
Appropriate spec. ed. svcs.	9/2	3/2	3/0	6/4	3/2
Related services	1/1	0/0	0/0	2/1	1/1
Placement	8/1	3/1	2/1	4/0	3/1
Procedural issues	8/4	7/3	5/1	4/3	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	1/1	1/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	1/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	1/0	0/0	2/0	0/0	1/0
Procedural issues	0/0	1/0	2/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$Unk

Table II.51: Wyoming

Action	Fiscal years				
	1984	1985	1986	1987	1988
Hearings scheduled	7	10	7	4	8
Administrative decisions	0	0	1	2	3
Civil action decisions	0	0	0	0	0
Complaints in administrative decisions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	1/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	2/1	0/0
Related services	0/0	0/0	1/1	0/0	0/0
Placement	0/0	0/0	0/0	0/0	2/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Complaints in civil actions/parents prevailed:					
Eligibility/identification	0/0	0/0	0/0	0/0	0/0
Appropriate spec. ed. svcs.	0/0	0/0	0/0	0/0	0/0
Related services	0/0	0/0	0/0	0/0	0/0
Placement	0/0	0/0	0/0	0/0	0/0
Procedural issues	0/0	0/0	0/0	0/0	0/0
Does state collect data on attorney fees? (FYs 1987 & 1988 only)				No	No
Attorney fees awarded (FYs 1987 & 1988 only)				$Unk	$0

List of Data for Figures

Table III.1: Administrative Hearings Scheduled and Decisions (Data for Fig. 4)

Fiscal year	Administrative hearings scheduled	Written decisions
1984	2,649	1,665
1985	2,832	1,592
1986	3,110	1,704
1987	3,048	1,522
1988	3,426	1,736

Table III.2: Administrative Decisions and Ratio of Handicapped Children to Administrative Decisions in Each State (Fiscal Year 1988) (Data for Fig. 5)

State	Administrative decisions	Ratio of handicapped children to administrative decisions
Alabama	5	19,164:1
Alaska	2	6,423:1
Arizona	4	13,506:1
Arkansas	4	11,763:1
California	43	9,539:1
Colorado	3	17,347:1
Connecticut	40	1,611:1
Delaware	1	14,681:1
District of Columbia	171	42:1
Florida	15	12,948:1
Georgia	19	4,892:1
Hawaii	9	1,315:1
Idaho	2	9,568:1
Illinois	214	1,172:1
Indiana	27	3,988:1
Iowa	13	4,340:1
Kansas	0	a
Kentucky	0	a
Louisana	1	69,460:1
Maine	12	2,349:1
Maryland	65	1,384:1
Massachusetts	51	2,856:1
Michigan	24	6,714:1
Minnesota	4	20,742:1
Mississippi	4	14,647:1
Missouri	10	9,972:1
Montana	3	5,114:1
Nebraska	4	7,613:1
Nevada	0	a

(continued)

State	Administrative decisions	Ratio of handicapped children to administrative decisions
New Hampshire	22	762:1
New Jersey	37	4,687:1
New Mexico	1	31,383:1
New York	536	538:1
North Carolina	24	4,558:1
North Dakota	2	6,242:1
Ohio	30	6,615:1
Oklahoma	45	1,418:1
Oregon	14	3,456:1
Pennsylvania	119	1,752:1
Rhode Island	22	903:1
South Carolina	4	18,748:1
South Dakota	1	14,420:1
Tennessee	12	8,191:1
Texas	19	16,400:1
Utah	4	11,206:1
Vermont	2	6,122:1
Virginia	58	1,821:1
Washington	10	7,365:1
West Virginia	15	3,095:1
Wisconsin	6	12,995:1
Wyoming	3	3,631:1

[a]State reported that no administrative decisions were issued in fiscal year 1988. For reporting purposes we categorized the state as having more than 10,000 handicapped children for each written decision.

Table III.3: Administrative Decisions Compared to Scheduled Hearings
(Data for Fig. 6)

Fiscal year	Percentage of scheduled hearings resulting in administrative decisions
1984	62.9
1985	56.2
1986	54.8
1987	49.9
1988	50.7

Table III.4: Issues Involved in Administrative Hearings and Civil Actions (Data for Fig. 7)

Type of complaint	Percentage of actions: Administrative hearings	Percentage of actions: Civil actions
Eligibility and identification	22	8
Appropriateness of special education services	18	22
Related services	10	8
Placement	38	38
Procedural issues	12	24

Table III.5: Parents as Prevailing Parties in Disputes With School Districts (Data for Fig. 8)

Type of complaint	Percentage of complaints won: Administrative hearings	Percentage of complaints won: Civil actions
Eligibility and identification	32	46
Appropriateness of special education services	43	43
Related services	50	41
Placement	40	41
Procedural issues	55	47

Table III.6: Percent of Parents Represented by Attorneys (Data for Fig. 9)

Fiscal year	Percentage of parents with attorneys in administrative hearings
1984	40.8
1985	48.1
1986	49.1
1987	48.7
1988	53.7

Table III.7: Parents With Attorneys More Likely to Prevail (Data for Fig. 10)

Figures in percent

Fiscal year	Parents' success rate in administrative decisions in which parents prevailed: With attorney	Without attorney
1984	48.7	51.3
1985	65.1	34.9
1986	54.3	45.6
1987	59.7	40.3
1988	67.0	53.0

Major Contributors to This Report

Human Resources Division, Washington, D.C.	Fred E. Yohey, Jr., Assistant Director for Elementary and Secondary Education, (202) 245-9623 William A. DeSarno, Assignment Manager David A. Bellis, Social Science Analyst Joan K. Vogel, Programmer-Analyst
Boston Regional Office	Thomas Phelan, Senior Evaluator Marcia M. Cook, Evaluator Maureen T. Driscoll, Evaluator
Philadelphia Regional Office	Thomas P. Hubbs, Evaluator-in-Charge June A. Ragone, Evaluator Charles E. Wilson, Evaluator

Request for copies of GAO reports should be sent to:

U.S. General Accounting Office
Post Office Box 6015
Gaitherburg, Maryland 20877

Telephone 202-275-6241

The first five copies of each report are free. Additional copies are $2.00 each.

There is a 25% discount on orders for 100 or more copies mailed to a single address.

Orders must be prepaid by cash or by check or money order made out to the Superintendent of Documents.